

15992 U.S. PTO  
041604

PATENT

Attorney's Docket No. JFCT-1-04(CIP.2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22141 U.S. PTO  
10/826538  
041604

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of Inventor(s):

Sham N. Redkar  
Raja G. Achari  
James R. Schleck  
Vilas M. Chopdekar

For (Title):

**HOT MELT METHOD FOR PREPARING DIPHENHYDRAMINE TANNATE**

**1. Type of Application**

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Divisional
- ☐ Continuation
- ☒ Continuation-in-part (CIP)

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).

**Certification under 37 CFR 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date April 16, 2004 in an envelope as "Express Mail Post Office to Addressee", Mailing Label Number ET971498552 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Jack Matalon

(Type or print name of person mailing paper)

*Jack Matalon*  
Signature of person mailing paper

**3. Papers enclosed which are required for filing date under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application.**

  8   Pages of specification

  2   Pages of claims

  1   Pages of abstract

  0   Sheets of drawing

- ☐ Formal  
☐ Informal

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)". 37 CFR 1.84(b).

**4. Additional papers enclosed:**

- ☐ Preliminary Amendment  
☒ Information Disclosure Statement (37 CFR 1.98)  
☒ Form PTO-1449  
☒ Citations  
☒ Other: Small Entity Statement

**5. Declaration or oath**

- ☒ Enclosed

Executed by

*(check all applicable boxes)*

- ☒ inventor(s).  
☐ legal representative of inventor(s).  
37 CFR 1.42 or 1.43.  
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.  
☐ Not enclosed.

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☒ The same.  
or  
☐ Not the Same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
☐ is submitted.  
☐ will be submitted.

## 7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 CFR 1.52(d).

## 8. Assignment

☒ an assignment of the invention to Jame Fine Chemicals, Inc.

☒ is attached. A Separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☒ FORM PTO 1595 is also attached.

☐ will follow.

**NOTE:** *"If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).*

**WARNING:** *A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in- part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.*

## 9. Certified Copy

Certified Copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

**NOTE:** *The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.*

**NOTE:** *This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.*

**10. Fee Calculation (37 CFR 1.16)****A. ☒ Regular application****CLAIMS AS FILED**

Number filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a) \$ 770.00
Total Claims (37 CFR 1.16(c))	12 - 20 =	0	X	\$18.00	\$ 000.00
Independent Claims (37 CFR 1.16(b))	1 - 3 =	0	X	\$86.00	\$ 000.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$290.00	\$ 0

- ☐ Amendment canceling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

**NOTE:** *If the fees for extra claims are not paid on filing, they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).*

Filing Fee Calculation \$ 770.00

**B. ☐ Design application**  
(\$330.00 – 37 CFR 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

☒ Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

*(complete the following, if applicable)*

☒ Status as a small entity was claimed in prior application  
10/269,714, filed on October 11, 2002, from which benefit  
is being claimed for this application under:

35 U.S.C. ☐ 119(e),  
☒ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

☐ A copy of the statement in the prior application is included.  
*Filing Fee Calculation (50% of A, B or C above)*

\$ 370.00

**12. Request for International-Type Search (37 CFR 1.104(d))**

*(complete, if applicable)*

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

- ☐ Not Enclosed

- ☐ No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently).*

- ☒ Enclosed

☒ Basic filing fee \$ 385.00

☒ Recording assignment  
  
(\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET  
FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION") \$ 40.00

☐ Petition fee for filing by other than all the inventors or person on  
behalf of the inventor where inventor refused to sign or cannot be  
reached. (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_

☐ For processing an application with a specification in a  
non-English language (\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

☐ Processing and retention fee  
(\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

☐ Fee for international-type search report  
(\$40.00; 37 CFR 1.21(e)) \$ \_\_\_\_\_

Total fees enclosed \$ 425.00

**14. Method of Payment of Fees**

- ☒ A check in the amount of \$ 425.00 is enclosed.

- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

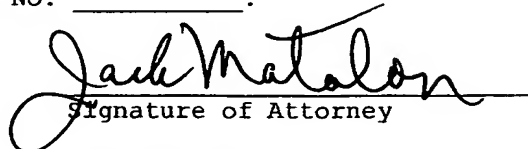
☐ The Commissioner is hereby authorized to charge any additional fees  
required by this paper and during the entire pendency of this application to  
Account No. \_\_\_\_\_.

- ☒ Refund any overpayment to the attorney identified below.

- ☐ Credit any overpayment to Account No. \_\_\_\_\_.

Reg. No. 22,441

32 Shelley Rd.  
Springfield, NJ 07081-2529  
(973) 467-5626

  
\_\_\_\_\_  
Signature of Attorney

Jack Matalon  
(type or print name of attorney)

☐ Incorporation by reference of added pages

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

☒ Plus Added Pages for Papers Referred to in item 4 above

Number of pages added 4

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer Inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

☒ Plus "Form PTO 1.595"

Number of pages added 1

☐ Statement Where No Further Pages Added

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

☐ This transmittal ends with this page.